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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Benin

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Introduction

1. This report covers the period from November 2012 to July 2017 and has been submitted in accordance with:

- United Nations General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council
- The Human Rights Council resolutions of 18 June 2007 on institution-building
- Resolution 16/21 of 25 March 2011 on the outcome of the review of the work and functioning of the Council
- Human Rights Council decision 17/119 of 17 June 2011 concerning general guidelines for the preparation of information under the universal periodic review

I. Methodology and consultation process

2. Pursuant to the Human Rights Council's general guidelines, this report was prepared through an inclusive national consultation process in which State bodies and civil society actors, supported by United Nations specialized agencies, helped to gather information under the coordination of the Department for Prison Administration and the Protection of Human Rights of the Ministry of Justice and Legislation.

3. This report was examined by a committee of experts before being validated by the National Committee to Monitor the Implementation of International Human Rights Instruments, with additional representation by members of the National Human Rights Advisory Council.

4. The process was facilitated by technical and financial assistance from the Office of the United Nations High Commissioner for Human Rights, the International Organization of la Francophonie and the United Nations Development Programme, through the Project to Improve Access to Justice and Ensure Accountability.

5. The report presents developments related to the legal and institutional framework for the promotion and protection of human rights. It contains information on the measures taken to implement the recommendations from the previous review, the progress made, best practices, challenges and initiatives that could improve the human rights situation on the ground.

II. Development of the legal and institutional framework

6. In addition to the international instruments ratified by the Republic of Benin during the period under review, a number of laws and regulations help to strengthen the protection of different segments of the population.

A. Legal framework

1. The Constitution

7. There have been two draft revisions of the Constitution of 11 December 1990. The most recent bill, which was submitted to parliament for consideration and adoption in March 2017, and which included, inter alia, a provision on the abolition of the death penalty, could not be adopted because of the lack of a quorum.

2. Other legislative measures

8. Several laws were adopted during the reporting period, and others are pending adoption:

- Act No. 2016-24 of 11 October 2016 on the legal framework for public-private partnerships in the Republic of Benin
- Act No. 2016-16 of 4 October 2016, amending and supplementing Act No. 2008-07 of 28 February 2011 on the Code of Civil, Commercial, Social, Administrative and Accounting Procedure of the Republic of Benin
- Act No. 2016-15 of 4 October 2016, amending and supplementing Act No. 2001-37 of 10 June 2002 on the organization of the judiciary in the Republic of Benin
- Act No. 2016-12 of 16 June 2016 on community service in the Republic of Benin
- Act No. 2015-08 of 8 December 2015 on the Children's Code of the Republic of Benin
- Act No. 2015-18 of 2 April 2015 on the General Civil Service Regulations
- Act No. 2015-19 of 2 April 2015, amending and supplementing Act No. 86-014 of 26 September 1986 establishing the Code of Civil and Military Retirement Pensions
- Act No. 2015-07 of 20 March 2015 on the Information and Communication Code of the Republic of Benin
- Act No. 2014-22 of 30 September 2014 on digital broadcasting in the Republic of Benin
- Act No. 2014-14 of 9 July 2014 on electronic communications and the postal service in the Republic of Benin
- Act No. 2013-06 of 25 November 2013 on the Electoral Code of the Republic of Benin
- Act No. 2013-09 of 3 September 2013 on the determination of electoral boundaries and the location of polling stations in the Republic of Benin
- Act No. 2013-01 of 14 August 2013 on the Code on Private and State-owned Land of the Republic of Benin
- Act No. 2012-15 of 18 March 2013 on the Code of Criminal Procedure of the Republic of Benin
- Act No. 2012-36 of 15 February 2013 on the establishment of the Benin Human Rights Commission
- Act No. 2013-05 of 15 February 2013 on the establishment, organization, powers and functions of local government authorities in the Republic of Benin

9. Some texts that have been adopted are awaiting promulgation: the laws on the identification of natural persons, the Digital Code of the Republic of Benin, special economic zones and the promotion and protection of the rights of persons with disabilities. Other texts pending adoption include the bills on:

- The Criminal Code
- Human trafficking
- The prison system
- The creation of the special prison corps

10. Several regulations were adopted during the reporting period to back up the various legislative measures; they include:

- Decree No. 2015-161 of 13 April 2015 on the establishment, powers, organization and functions of the National Institute for Women
- Decree No. 2014-315 of 6 May 2014 on arrangements for the implementation of Act No. 2012-36 of 15 February 2013 on the establishment of the Benin Human Rights Commission

- Decree No. 2012-416 of 6 November 2012 establishing the norms and standards applicable to children's shelters and protection centres

B. General policy measures

11. The general policy measures adopted and implemented include:

- The designation, in 2016, of the capitals of the new departments, and the appointment of prefects on the basis of the criteria listed in article 8 of Act No. 97-028 of 15 January 1999 on the organization of territorial administration in the Republic of Benin.
- The development, in 2015, of the national action plan to implement resolution 13/25.
- The completion of several studies, including on: poverty trends in Benin between 2007 and 2015; household income inequality and polarization; and key sectors of the Beninese economy.
- The holding, in September 2016, of the fourth national day of dialogue on the topic: "Using evaluation results to change the living conditions of the population".
- The adoption, in January 2017, of the Government Programme of Action for the period 2016-2021, which consists of 45 flagship projects, 95 sectoral projects and 19 institutional reforms. The Programme aims to strengthen democracy and good governance, promote the structural transformation of the economy and improve the living conditions of the population.
- The signing, on 3 August 2016, of a national charter on social dialogue between the Government and trade unions.
- The development of the national action plan to eliminate the worst forms of child labour in Benin for the period 2012-2015.
- The development, in 2014, of a national action plan to combat racial discrimination.
- The development of the national health development plan for the period 2009-2018.
- The adoption, in October 2014, of the national child protection policy and the national justice sector development policy.

C. International instruments ratified

12. Several regional and international instruments were ratified, namely:

- The Arms Trade Treaty, on 26 April 2017
- The Convention on Cluster Munitions, on 25 April 2017
- The declaration under article 34 (6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights, in September 2014
- The Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, on 25 February 2014

13. The process of ratifying other international instruments that have been the subject of recommendations was initiated and is ongoing. These instruments include:

- *The Kampala amendments to the Rome Statute*
- The Optional Protocol to the Convention on the Rights of the Child on a communications procedure

- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

D. Institutions for the promotion and protection of human rights

14. The institutional framework has been strengthened through the creation of human rights structures and institutions:

- The establishment, in 2013, of the National Anti-Corruption Authority pursuant to Act No. 2011-20 of 12 October 2011 on combating corruption and other related offences in the Republic of Benin.
- The appointment, in 2017, of the members of the national authority responsible for international adoption.
- The establishment of regional offices of the Ombudsman in the former departmental capitals.

15. Pursuant to Act No. 2012-36 of 15 February 2013 on the establishment of the Benin Human Rights Commission and to its implementing Decree No. 2014-315 of 6 May 2014, the call for nominations to the Commission has been launched and the process is ongoing.

III. Promotion and protection of human rights on the ground and compliance with international obligations

16. To ensure the effective enjoyment of human rights, Benin has taken various measures aimed at both promoting and protecting human rights and complying with the obligations that it freely committed to fulfilling during the consideration of its report under the universal periodic review procedure in 2012.

A. Promotion and protection of human rights on the ground

1. Civil and political rights

The right to life and physical integrity

17. In fulfilment of the commitment arising from its ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Benin is continuing with consultations with a view to finalizing and adopting the new Criminal Code, which provides for the abolition of the death penalty.

18. By decision DCC 16-020 of 21 January 2016, the Constitutional Court ruled that the ratification and subsequent entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty renders null and void any legal provision that imposes the death penalty as a punishment.

Combating torture and other cruel, inhuman or degrading treatment or punishment

19. The draft Criminal Code that is in the process of being adopted defines and criminalizes torture.

20. Some provisions of Act No. 2012-15 of 18 March 2013 on the Code of Criminal Procedure of the Republic of Benin — articles 59, 147 and 808, for example — also represent significant progress with regard to respecting the general principles of criminal justice in the fight against torture. The Government and civil society organizations have disseminated the Code to enhance the public's understanding of it.

Detention conditions

21. Efforts have been made to improve prison conditions and reduce overcrowding, including through the completion of studies on bringing old prisons up to standard and building and equipping new prisons.

22. A number of judicial guarantees have been afforded to persons deprived of their liberty since the adoption of the Code of Criminal Procedure, including through the establishment of a liberty and custody court, the appointment of liberty and custody judges and the creation of a national commission on compensation for unlawful imprisonment.

23. While these measures have not provided a definitive solution to the problem of poor prison conditions, they have significantly relieved overcrowding and, to a certain extent, the suffering of prisoners.

Human trafficking, slavery and similar practices

24. Benin has introduced the Children's Code, which incorporates the provisions of the Convention on the Rights of the Child.

25. The Act covers and punishes offences against children, such as: sexual harassment; infanticide, including ritual infanticide; trafficking in children; forced begging; abandonment; murder; child marriage; the use of children in the smuggling and use of drugs and other narcotic substances; female genital mutilation; child pornography; paedophilia; bestiality; and the use of children in armed conflicts.

26. The Act has been disseminated throughout the country.

27. Several child traffickers have been prosecuted, and victims are cared for in public and/or private care facilities.

28. With the support of technical and financial partners, Benin has embarked on the process of adopting a law and action plan to prevent human trafficking, protect the victims and prosecute the perpetrators.

Freedoms of opinion, the press and expression

29. The freedoms of opinion, the press and expression have been strengthened during the reporting period through the adoption of the Information and Communication Code.

30. The Code provides for, inter alia:

- The decriminalization of press offences
- Access for all citizens to administrative information
- The protection of children and adolescents, and respect for the human person
- The protection of privacy and of the presumption of innocence
- The exclusive right to one's own image and control of its use

31. As a result, there are currently no imprisoned journalists or prisoners of conscience in Benin.

32. Case law further strengthens the freedoms of the press, opinion and expression in Benin. In its judgment No. 019/17-CHI. Civ. Mod of 22 May 2017, the Court of First Instance (first class) of Cotonou ordered Adam Boni Tessi, in his official capacity as President of the Audiovisual and Telecommunications Authority, to pay the company Idéale Production SARL 50 million CFA francs (CFAF) in damages in connection with a case involving the adoption of provisional measures against the television network SIKKA-TV.

Non-discrimination

33. The principle of non-discrimination, which is enshrined in the Constitution, has been strengthened through the adoption of several laws, including:

- Act No. 2017-06 of 13 April 2017 on the promotion and protection of the rights of persons with disabilities
- Act No. 2015-08 of 8 December 2015 on the Children's Code

34. To eliminate disparities between the treatment given to legitimate and natural children, a bill to harmonize Act No. 2002-07 of 24 August 2004 on the Personal and Family Code is in the process of being adopted.

35. In its decision DCC 14-172 of 16 September 2014, the Constitutional Court ruled on the constitutionality of articles 8, 12 (2), 13 and 18 of Act No. 65-17 of 23 June 1965 on the Nationality Code in force in the Republic of Benin. According to the Court, the articles introduce distinctions in the attribution or acquisition of Beninese nationality through birth, filiation or marriage without justifying them. They are therefore discriminatory, in that they undermine the principle of equality between men and women.

2. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

36. Act No. 98-004 of 27 January 1998 on the Labour Code is being revised. The planned changes relate, inter alia, to labour conventions, working conditions and the settlement of labour disputes.

37. Specific measures have been taken to promote youth employment. These include programmes implemented by the State through the National Agency for the Promotion of Employment, the facilitation of access to credit and the microcredit programme for the poorest people, the National Fund to Promote Youth Employment and the establishment of a national corps of young volunteers to boost development in the Republic of Benin.

38. In 2016, thanks to the implementation of these measures, the National Agency for the Promotion of Employment was able to:

- Offer contracts to 6,494 interns from the class of 2015.
- Recruit around 2,000 interns who benefit from its programmes.
- Operationalize nine business promotion centres, which are employment resource centres.
- Turn three business promotion centres into incubator facilities that will accommodate some 200 companies for a period of two years.

39. On 17 April 2014, the guaranteed minimum wage was raised by 26.48 per cent from CFAF 31,625 to CFAF 40,000.

40. Civil service recruitment competitions are organized in various fields of employment.

Trade union rights

41. Trade union rights are exercised freely, in compliance with the regulations in force.

42. A national framework has been established for social dialogue through the signing, on 3 August 2016, of a national charter on social dialogue by the Government, the National Employers Council and trade unions.

43. The charter is aimed at, inter alia, preventing and managing social conflicts in accordance with laws, regulations and collective agreements, strengthening the democratic process and promoting good governance in the public and private sectors.

44. A sectoral committee on social dialogue has been set up in each ministry.

45. There is also a national commission on collective bargaining and consultation between the Government and trade unions.

Right to an adequate standard of living

46. Various initiatives have been undertaken to offer the population better access to basic social services.

Right to water

47. The State, with the support of technical and financial partners, has been unceasing in its efforts to increase the population's access to drinking water. To that end, boreholes have been drilled in a number of localities where access to water remains problematic.

48. The number of people obtaining drinking water from the national water company has been increasing year on year. To be precise, according to recent statistics, the number of people connected to the national water grid stood at 2,720,146 in 2015, compared to 2,637,903 in 2014.

49. Some households prefer to obtain water from wells.

50. In short, considerable efforts are being made, but ensuring permanent access to good-quality water remains a challenge.

Right to food

51. In 2014, with 11.2 per cent of the population considered to be suffering from hunger, Benin achieved target 1.C of the Millennium Development Goals, namely to "halve, between 1990 and 2015, the proportion of people who suffer from hunger", which reflects the fact that there has been some economic growth.

52. This growth, which has averaged 5 per cent in recent years, is largely due to the good performance of the agricultural sector.

53. Nevertheless, the food security situation remains a concern.

54. Benin still ranks among the countries with high levels of hunger. In 2013, a Comprehensive Food Security and Vulnerability Analysis carried out at the national level revealed that the food consumption of 23 per cent of households was not sufficient to enable them to lead an active and healthy life.

55. Moreover, Benin has experienced "losses" in human development — operating at only around 35 per cent of its potential — because of inequalities of all kinds, including with regard to access to food, which means that it is not food self-sufficient.

Right to housing and land management

56. The demand for housing in Benin far outstrips supply. In both rural and urban areas, the Beninese population continues to face difficulties with regard to access to housing.

57. The Government has undertaken initiatives to promote social housing, but not all of them have proved successful.

58. In view of the speculative practices of landlords, a number of bills have been drafted by members of parliament to regulate the rental sector. Since October 2015, the Law Commission has begun studying two bills to regulate rents in Benin.

59. The new Code on Private and State-owned Land has brought about real change in terms of enhancing land tenure security through the creation of land management agencies.

60. The handling of land disputes has been improved through the establishment of a pretrial phase, a new statute of limitations applicable to land matters and a new framework for the enforcement of judgments in such matters.

61. In addition, new tools for proving ownership, namely a landownership certificate and a rural land certificate, have been developed.

Right to health

62. The Government gives effect to the right to health through a policy aimed at strengthening infrastructure in urban and rural areas and at improving access to health care and the quality of health-care services for the whole population.

63. The national health policy is carried out at three levels of the health pyramid: the central level, the departmental level and the operational level (health zone).

64. During the reporting period, the following progress was made:

- Five departmental hospitals (Ouémé, Borgou, Atacora, Zou and Mono) were brought up to standard.
- Six departmental health offices were created, and, as a result, there are plans to build six departmental hospitals and a university hospital in Abomey-Calavi.
- HIV/AIDS screening and care were improved.
- Free treatment was provided to combat mother-to-child transmission of HIV/AIDS.
- The number of functional health zones was increased.
- Caesarean sections continued to be performed free of charge.
- Free psychosocial and medical assistance was provided to women affected by obstetric fistula.
- The cost of emergency obstetric and neonatal care was reduced.
- An accelerated plan to combat malaria was implemented with the aim of achieving a 25-per-cent reduction in the number of deaths from malaria by 2025.
- Free malaria treatment was offered to children under 5 years of age and pregnant women.
- Treatment for tuberculosis continued to be provided free of charge.
- The budget of the Health-Care Fund for the Poor was increased.
- The National Welfare Agency was set up.
- Long-lasting insecticidal mosquito nets were distributed to all households on an annual basis.
- Indoor residual spraying was used in some areas where malaria is endemic.
- Vaccination coverage was expanded according to the type of vaccine.
- A results-based management and contractual system was implemented.

65. The various measures taken by the Government seek to improve access to health care for the whole population, particularly the most disadvantaged sectors of society.

Right to education

66. The commitment of Benin to making education accessible to all has been fulfilled gradually over the last 10 years. A number of private institutions are working alongside the various schools and facilities created by the State to give effect to the right to education.

67. A free-education policy is being followed and has been extended to higher education.

68. The skills-based programmes introduced in the education system enable students to participate actively in lessons and thereby gain a better understanding of the concepts taught. Their aim, therefore, is to help students to apply the skills and lessons learned in their daily lives.

69. Benin has made a commitment to implement teaching programmes and organize the university system according to the three-level model of education: bachelor's degree, master's degree, doctorate. This model is set to become the international standard for higher education.

70. The structure of the university system has been altered. The number of public universities was reduced from seven in 2015/16 to four at the beginning of the 2016/17 academic year thanks to the rational and efficient management of available resources and the quality of the education provided.

71. At the academic level, reforms have made it possible to approve several training programmes run by private higher education institutions.

72. The National Education Council ensures compliance with education standards. By decision of the Council of Ministers on 11 May 2016, the Government decided to set up a technical committee to implement and monitor reforms concerning the administration of the education system.

B. Compliance with international obligations

73. Benin is bringing its national legislation into line with international standards through the adoption of the various laws mentioned above.

74. During the period under review, Benin submitted the following reports to the treaty bodies:

- Its combined third to fifth periodic reports on the implementation of the Convention on the Rights of the Child.
- Its second periodic report on the implementation of the International Covenant on Civil and Political Rights.

75. Benin also submitted:

- Its combined initial and second periodic reports on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- Its combined initial and second periodic reports on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- Its combined initial and second periodic reports on the implementation of the African Charter on the Rights and Welfare of the Child.

76. Benin currently has a framework for cooperation with the International Criminal Court thanks to the adoption, in its Code of Criminal Procedure, of a title XIV devoted to the matter.

IV. Cooperation with international human rights mechanisms

77. During the period under review, Benin was visited by the following mechanisms:

- In May 2017, the Registrar of the International Residual Mechanism for Criminal Tribunals conducted a visit in the context of the ongoing revision of the framework agreement concerning the Rwandan prisoners held in Benin.
- From 27 March to 1 April 2017, an African symposium for human rights defenders was organized in Cotonou in partnership with the Special Rapporteur on Human Rights Defenders in Africa of the African Commission on Human and Peoples' Rights.
- From 8 to 11 January 2016, the Subcommittee on Prevention of Torture carried out a visit, following which it made recommendations on improving prison conditions and reducing overcrowding.
- From 28 October to 8 November 2013, a visit was conducted by the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, whose recommendations have formed the basis of a national action plan.

78. Benin reiterates its readiness to continue and strengthen its cooperation with the treaty bodies and special procedures, and once again commits itself to considering as expeditiously as possible, all requests for visits from United Nations human rights bodies.

V. Follow-up to, and implementation of, recommendations and commitments made during the second cycle

79. For the recommendations made during the second cycle of the universal periodic review to be implemented, action is needed on the ground to improve the situation of the entire population in all areas of human rights. This will require programming and budget capacity commensurate with what are immense needs.

A. Recommendations implemented fully

Universal periodic review procedure (recommendations Nos. 108.20 and 108.28)

80. Several workshops were organized to disseminate and implement the recommendations made during the 2012 universal periodic review. The workshops made it possible to draw up a 14-point national implementation plan. The implementation of this recommendation led to a greater understanding of the mechanism and the involvement of all stakeholders in the process.

B. Recommendations implemented partially

81. All the recommendations have been widely disseminated and are being implemented gradually through a comprehensive, participatory and inclusive approach.

International instruments and the harmonization of texts (recommendations Nos. 108.1-108.9, 108.14, 108.15, 108.21, 108.33, 108.61, 108.71, 108.74, 108.79 and 108.82)

82. The formalities concerning requests for ratification are being completed.

83. The process of bringing domestic law into line with international standards, which was initiated in 2012, has been stepped up since 2013 and has led to the adoption of various Codes, namely:

- The Code of Criminal Procedure
- The Code of Civil, Commercial, Social, Administrative and Accounting Procedure
- The Code on Private and State-owned Land
- The Electoral Code
- The Information and Communication Code
- The Children's Code

Justice (recommendations Nos. 108.9, 108.73, 108.78, 108.79, 108.80, 108.81 and 108.114)

84. The major justice reforms are founded on the two newly adopted codes of procedure (civil and criminal) and on the amending legislation on the organization of the judiciary and the establishment of commercial courts.

85. The Criminal Code, which is in the process of being adopted, has been reviewed several times to bring it into line with the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

86. The legislative measures are supported by policy documents that translate into programmes and projects that are being implemented gradually. As part of the implementation of the National Justice Sector Policy adopted in October 2014, several

projects have been launched, including the Project to Improve Access to Justice and Ensure Accountability and the project to modernize prisons.

Rights of the child (recommendations Nos. 108.3, 108.13, 108.17, 108.29, 108.30, 108.31, 108.34, 108.40, 108.41, 108.44-49, 108.51, 108.59, 108.60-77, 108.101-105, 108.108, 108.110, 108.111, 108.114 and 108.115)

87. Benin has adopted the Children's Code, a national child protection policy and an action plan for its implementation.

88. In 2012, the General Directorate for Civil Status was created within the Ministry of the Interior and Public Security. As a result of its work and that of its partners, 25,231 schoolchildren without birth certificates have been registered since 2014. Moreover, 1,406 students in the final year of primary school have been issued with birth certificates.

89. Awareness-raising activities are undertaken by State and non-State actors to ensure that birth certificates are issued to children free of charge.

90. Other measures have been taken to improve the conditions of placement and care of minors in conflict with the law, including:

- A prohibition on the detention of minors under 13 years of age (Children's Code, art. 236)
- Criminal mediation (Children's Code, art. 240)
- In-service training for teachers at correctional schools

Death penalty (recommendations Nos. 108.4-9 and 108.32)

91. Since the entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Minister of Justice has issued a widely publicized circular inviting courts to take into account the international commitments of Benin with regard to the death penalty pending the adoption of the Criminal Code.

92. A draft decree to commute the sentences of 14 death row prisoners to life sentences has been prepared and is in the process of being adopted.

Torture (recommendations Nos. 108.10, 108.11, 108.16, 108.26-27, 108.37-39, 108.45-47, 108.48-53, 108.55, 108.58-62, 108.65-68, 108.70 and 108.77)

93. The legislative framework has been strengthened through the adoption of new laws to prevent and punish acts of torture.

94. Various training programmes on the prevention of torture have been organized for criminal investigation officers, judges, doctors and social workers.

95. The perpetrators of acts of torture and other ill-treatment inflicted during judicial investigations are regularly prosecuted and sentenced to criminal and disciplinary penalties. The indictment chambers of the appeal courts impose penalties ranging from warnings to suspension from duty of criminal investigation officers. The Constitutional Court frequently hands down guilty verdicts for acts of torture and cruel, inhuman or degrading treatment committed by police officers.

Detention conditions (recommendations Nos. 108.12, 108.32-39 and 108.79)

96. The adoption of the Code of Criminal Procedure represents a major step forward in the protection of freedoms and individual rights in general, particularly those of detainees.

97. The Government has adopted a number of measures, including on the renovation of old prisons, the construction of new ones, the establishment of courts and other measures to improve prisoners' daily lives.

Women's rights (recommendations Nos. 108.13, 108.40, 108.42-49, 108.50-54, 108.70, 108.86, 108.87, 108.92, 108.104, 108.106, 108.108 and 108.114)

98. Benin:

- Adopted, in 2014, a document on the standard operating procedures to be followed in combating violence against women.
- Opened, on an experimental basis, three integrated support centres for victims of gender-based violence, which bring together doctors, psychologists, social workers and criminal investigation officers with relevant training. From 2014 to 2016, the three centres provided care to 1,673 victims, including 585 whose cases were handled by the police and 267 whose cases were brought to court.
- Organized several training and awareness-raising programmes on standard procedures and compliance therewith for key stakeholders. The impact of the various training programmes can be seen in terms of greater accountability and an increase in the number of claims, which rose from 5,000 in 2011 to over 13,000 in 2014.

99. The Government has continued its microcredit programme for the poorest people. The minimum loan amount has been increased from CFAF 30,000 to CFAF 50,000. Most of the beneficiaries are women. The programme has reduced income poverty, particularly among women, and has stimulated income-generating activities.

100. The Government's Programme of Action for the period 2016-2021 provides for a project to support the economic empowerment of women.

Special procedures and treaty bodies (recommendations Nos. 108.21, 108.22-27, 108.36 and 108.61)

101. During its membership of the Human Rights Council from March 2011 to December 2014, Benin participated, at the international level, in the making of important decisions related to the promotion and protection of human rights.

102. Benin has always followed up on requests for visits from the special procedures, and expresses its willingness to cooperate further with these mechanisms.

Right to health (recommendations Nos. 108.27, 108.30-31, 108.85, 108.96, 108.98-100 and 108.101)

103. A health sector support programme (PASS-SOURO) launched jointly by Benin and Belgium in March 2015 seeks to enhance public access to health care. CFAF 14 billion has been mobilized to that end. The fund is intended to: improve the reception of patients in health centres; guarantee the availability of care, medicines and other supplies; renew equipment; ensure that care is provided to poor patients; and give ongoing training to health workers.

104. From 12 to 14 March 2015, as part of the fight against malaria in sub-Saharan Africa, Benin hosted an international symposium on joining forces to combat parasitic diseases in sub-Saharan Africa. The purpose of the high-level meeting was to pool resources in order to heighten the impact of the crusade against malaria and other parasitic diseases in Africa.

105. In Benin, there is also a multisectoral institutional framework for consultation and partnership among State and non-State actors in the fight against HIV/AIDS, tuberculosis and malaria.

C. Recommendations pending (recommendation No. 107.1)

106. The Ministry of Foreign Affairs and Cooperation is making efforts to ratify the Kampala amendments to the Rome Statute as soon as possible.

D. Recommendations noted

Human rights, sexual orientation and gender identity (recommendations Nos. 110.1 to 110.5)

107. The position of Benin on the recommendations that it noted has not changed.

VI. Contribution of the international and regional community to the follow-up to, and implementation of, recommendations and commitments made during the second cycle

108. Benin has benefited from the support of the Office of the United Nations High Commissioner for Human Rights, the International Organization of la Francophonie, the African Commission on Human and Peoples' Rights, the United Nations Development Programme, the European Union, the United Nations Children's Fund and other multilateral and bilateral partners in implementing the recommendations brought to its attention, including those concerning the consolidation of institutions provided for in the Constitution, the introduction of reforms to the justice system, the reduction of prison overcrowding, the combating of violence against women and children and the protection of children by means of social, economic and cultural measures.

VII. Achievements, best practices, challenges and constraints

109. Despite the efforts made, the influence of certain cultural practices sometimes hinders respect for some rights.

110. The reporting period was marked by the preparation and, in some cases, adoption of a large number of laws and strategic plans, and by the submission of reports to the treaty bodies. Several achievements and best practices were recorded, including the adoption of a law on the promotion and protection of the rights of persons with disabilities, which aims to prevent disabilities through the adoption of an appropriate national health policy based on early detection and on the provision of assistance in the shape of vaccinations, nutrition, consultations, rehabilitation and treatment.

111. The law also establishes an "equal opportunities" card, which entitles holders to rights and benefits (at a reduced or no cost) in access to health care, rehabilitation and technical and financial support (tricycles, white canes, forearm crutches, wheelchairs). It grants tax exemptions for specific equipment used by persons with disabilities and for donations to associations that promote the rights of persons with disabilities. Violations of the law are punishable by penalties ranging from a fine to a prison term.

112. The law also promotes the right to employment, ensures the right to life of children with disabilities, improves the accessibility of buildings, roads, pavements, outdoor areas and means of transport, and enables persons with disabilities to exercise their rights as citizens by facilitating their access to polling stations.

113. Benin is continuing its programme to set up student clubs and train local representatives with the aim of establishing human rights focal points. Through the programme, several individuals have received human rights training at the municipal level and in general education establishments. These individuals serve as human rights advocates at the community level.

114. Under the programme, 1,112 individuals have received training in 58 communes in Benin.

115. A number of courses have been organized to train juvenile judges, law enforcement officers and representatives of civil society organizations in how to listen to children in conflict with the law.

116. During the reporting period, the Republic of Benin was confronted by difficulties and objective constraints that led to a delay in implementing some recommendations. The

difficulties included a lack of resources allocated to the implementation of certain programmes and projects.

117. Illiteracy and a lack of information, particularly in rural areas, form conditions that are not conducive to the assimilation of human rights standards by all citizens. Gender-based violence and unlawfully extended periods of custody are among a number of other challenges to be overcome in order to ensure better protection of human rights.

VIII. Priorities, initiatives and commitments

118. The third pillar of the Government Programme of Action for the period 2016-2021 focuses on improving the living conditions of the population.

119. In that connection, the Government of Benin has committed itself to introducing a new policy on social protection and access to basic social services for all citizens, particularly the most disadvantaged. To benefit the population, it will establish a policy to support the creation of income-generating activities through the provision of ongoing training, the promotion of entrepreneurship and the granting of credit to fund specific projects.

120. Steps are also being taken to provide access to drinking water for the entire population of Benin by 2021.

121. The Government Programme of Action that is currently being implemented consists of 45 flagship projects carried out by agencies under the direct supervision of the Office of the President of the Republic, 95 sectoral projects aimed at supporting the main activities of public-private partnerships and 19 institutional reforms intended to strengthen the rule of law and good governance.

122. The flagship projects include:

- The rehabilitation of Pendjari National Park
- The switchover to digital terrestrial television
- The construction of seaside resorts
- The development of the lower and middle Ouémé Valley
- The modernization and expansion of the port
- The development of Cotonou Lagoon
- The expansion of the road network by 1,362 kilometres
- The Cotonou northern bypass project
- The social housing programme
- The creation of an international city dedicated to innovation and knowledge
- The provision of social protection to the most disadvantaged

123. The implementation of these various programmes will make it possible to achieve comprehensive development throughout the country by 2021.

IX. Capacity-building and technical assistance needs

124. The challenges faced by Benin can be viewed as a set of key actions for which technical assistance is indispensable in order to overcome difficulties and constraints, and thereby implement measures to promote and afford better protection to all human rights in the country. These challenges are as follows:

- Capacity-building needs (the drafting of reports, the prevention of human trafficking and provision of care to victims and the protection of women and children)

- Reform of the prison system (the construction and equipment of new prisons, the acquisition of prisoner transport vehicles, the installation of solar power systems and the drilling of wells)
- The establishment of a human rights database
- The creation of a centralized civil registration system
- The expansion of the special programme on child-friendly courts

125. With regard to the challenges faced, the support of the international community is essential in order to enable Benin to meet the obligations stemming from the universal periodic review procedure and the observations and recommendations of the human rights treaty bodies.

Conclusion

126. Since the consideration of its previous report in October 2012, Benin has stepped up its efforts to improve the human rights situation. To that end, it has taken measures to combat poverty, strengthen the justice system, reduce prison overcrowding, combat violence against women and children and promote their economic, social and cultural rights.

127. Within the scope of its financial resources, Benin has not only taken all the necessary measures to bring its national legislation into conformity but has also developed national and sectoral human rights policies.

128. While it is true that Benin achieved enormous progress during the reporting period, there are still barriers that render additional resources necessary.

129. Benin therefore calls for international solidarity and support in carrying out the major projects that are under way to strengthen its capacity to take action in the interests of the well-being of its population.

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Compilation on Benin

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The West Africa Regional Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that, despite the recommendations accepted during its second universal periodic review,[3] Benin had still not ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, or the Kampala amendments to the Rome Statute. It had also not published the treaties it had ratified,[4] and a number of reports to treaty bodies had not yet been submitted.[5]

3. OHCHR had continued to provide Benin with technical and financial support in the field of human rights, including for the development and implementation of the human rights agenda, as officially requested by the Ministry of Justice, and of legislation.[6]

4. OHCHR stated that, with the support of its technical and financial support fund and the United Nations Development Programme (UNDP), the recommendations accepted by Benin during the second cycle had been the subject of a national implementation plan developed and publicized in a participatory and inclusive manner. This project had also received financial support from the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review.[7]

III. National human rights framework[8]

5. OHCHR stated that some recommendations on legislative measures had not yet been implemented. These largely concerned the adoption of the new Criminal Code, an act on

gender equality and women's participation in political life, an act on access for all to public information and an act on the enjoyment of freedom of association, freedom of assembly and freedom to demonstrate.[9]

6. Benin had not yet set up the Beninese Human Rights Commission established in 2013; the process of selecting its members, begun in 2015, had not yet been completed.[10] In 2015, the Human Rights Committee recommended appointing the members as soon as possible and guaranteeing the Commission's independence by ensuring its financial autonomy and adequate resources to enable it to fulfil its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[11]

7. OHCHR regretted the lack of a national monitoring mechanism for women's rights and the absence of statistics on violations of women's rights.[12]

8. In 2014, the Special Rapporteur on the sale of children, child prostitution and child pornography regretted the lack of a reliable information and monitoring/evaluation system in Benin, to assess the impact of human rights policies and programmes.[13] She recommended the establishment of a centralized, standardized and reliable information-gathering and processing system to collect data disaggregated by age, sex, background and status.[14]

9. The same Special Rapporteur recommended that the United Nations bodies and technical and financial partners put in place a coordination framework in order to ensure synergy, consistency and complementarity between the various actions carried out.[15]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination[16]

10. The Human Rights Committee welcomed the Plan of Action against Racism, Racial Discrimination, Xenophobia and Related Intolerance, adopted in 2014.[17]

11. In 2013, the Committee on the Elimination of Discrimination against Women commended Benin for its progressive Persons and Family Code.[18] However, it recommended that Benin withdraw the discriminatory provisions against women and amend Act No. 65-17 (1965) on nationality, with a view to granting women equal rights with men regarding the retention or loss of their nationality, and the transmission of Beninese nationality to their foreign spouses.[19] The Committee on the Rights of the Child made similar recommendations.[20]

12. In 2014, UNHCR noted that the Benin Constitutional Court had struck down elements of the country's national code that restricted women's ability to confer nationality to their children and spouses, paving the way for the adoption of a gender-equal law.[21]

B. Civil and political rights

1. Right to life, liberty and security of person[22]

13. The Human Rights Committee was concerned at the situation of 13 death row inmates whose sentences had not been commuted, despite the accession of Benin to the 2nd OP-ICCPR. The Committee recommended adopting the new Criminal Code so as to expressly abolish the death penalty, and commuting death sentences to prison sentences.[23] OHCHR indicated that the Ministry of Justice and Legislation had spent several months looking at how the accepted recommendation was being implemented.[24] It also noted a slight improvement in the detention conditions of persons sentenced to death, particularly as regards the length of time they could spend outside their cells.[25]

14. The Human Rights Committee was concerned at cases of mob justice and extrajudicial killings of persons suspected of offences, and at the excessive use of force by the law enforcement officials.[26] OHCHR noted the statement made by the Council of Ministers in 2016 condemning acts of vigilante justice, but also the lack of progress towards effective measures to bring about changes in behaviour and towards prosecution of the perpetrators.[27] The Human Rights Committee recommended that Benin conduct investigations in order to identify and prosecute the perpetrators of extrajudicial killings, impose appropriate penalties and provide reparation to the victims or to their families. It also recommended that Benin ensure that law enforcement officials comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, of 1990.[28]

15. While noting that Benin had made considerable progress in strengthening its legal framework for the protection of children, the Committee on the Rights of the Child remained concerned that children born with disabilities and so-called "sorcerer's" children were likely to be killed or abandoned by their parents.[29] OHCHR noted the absence of available statistics on cases of violations of children's right to life and violence against children.[30]

16. The Special Rapporteur on sale of children was informed about the growing phenomenon of missing children. In the first half of 2013, 233 children had been reported missing, and in 2012, 521 children. The Special Rapporteur had not received any information on action taken by Benin on those cases.[31]

17. The Human Rights Committee was concerned at information relating to cases of torture and ill-treatment, in particular during the first hours of deprivation of liberty.[32]

18. OHCHR noted that the criminalization of torture in the new Criminal Code had not yet come into effect;[33] the same applied to the establishment of a legal framework for the national mechanism for the prevention of torture.[34]

19. The Human Rights Committee recommended that Benin expressly define and criminalize torture as soon as possible, establish a national observatory for the prevention of torture in addition to an independent mechanism for the systematic consideration of related complaints, and conduct investigations into all related allegations.[35]

20. The same Committee was concerned at poor detention conditions in Benin.[36] OHCHR noted the construction of new prisons in Abomey-Calavi and Abomey, the ongoing construction of prisons in Parakou and Savalou, and the restoration of the prisons in Cotonou, Porto-Novo, Akpro-Missérété, Lokossa and Kandi.[37] However, detention conditions remained extremely poor. Reforms were under way with a view to ensuring the effective enjoyment of rights in prison facilities, and a new prison policy was being developed to more speedily reduce prison overcrowding. The social reintegration of released prisoners presented a challenge.[38]

21. The Human Rights Committee recommended that Benin reduce prison overcrowding by continuing implementing its prison construction projects and applying alternatives to pretrial detention,[39] improve hygiene conditions and access to food and health care, regularly monitor conditions of detention and ensure that prisoners were separated according to their category, age and sex.[40] The Committee on the Elimination of Discrimination against Women recommended providing adequate health facilities and services, in particular for pregnant women, and educational programmes.[41]

2. Administration of justice, including impunity, and the rule of law[42]

22. OHCHR indicated that progress had been made in improving access to justice.[43] Measures had included the submission, in 2016, of the declaration recognizing the competence of the African Court on Human and Peoples' Rights to receive cases from NGOs and individuals; the adoption of Act No. 2016-16 amending and supplementing the Code of Civil Procedure; the approval of the new Code of Criminal Procedure; the expected promulgation of the Act on community service; and the ongoing construction of new courts and police units and stations.[44] However, OHCHR noted deficiencies in terms of infrastructure and of judicial staffing and training, as well as the slow pace of investigations — all of which resulted in excessively long periods of detention — courts' distance away

from populations living in remote areas, and a poor understanding of human rights and the operation of the justice system on the part of the authorities.[45]

23. The Special Rapporteur on sale of children regretted impunity and corruption in Benin, which greatly impeded the application of the law. She also noted that, notwithstanding some progress, the administration of the country continued to be ineffective and very centralized. According to a survey, corruption in Benin had a heavy impact on the functioning of the administration.[46] The Human Rights Committee expressed similar concerns and recommended that Benin reform the judiciary in order to guarantee its independence, and adopt the bill on the Supreme Council of Justice, making sure that the executive branch did not influence its activity or interfere in the appointment, promotion or dismissal of judges.[47]

24. The Human Rights Committee was concerned that the most disadvantaged persons were not yet receiving free legal assistance. It recommended that Benin facilitate access to lawyers for all and provide legal assistance to the most disadvantaged.[48]

25. The same Committee was concerned by the abusive use of pretrial detention and cases of excessively long detention pending trial. It recommended that Benin publicize the provisions of the new Code of Criminal Procedure and ensure their application, make the commission for compensation for illegal detention operational and increase the number of judges.[49]

26. The Special Rapporteur on sale of children was alarmed about the large number of cases of sexual abuse that did not lead to a conviction, due to the failure of the judicial authorities.[50] She recommended introducing, at central and local level, accountability and monitoring/evaluation mechanisms.[51]

27. The Human Rights Committee deplored the impunity allegedly enjoyed by persons suspected of having committed acts of torture, pursuant to Act No. 90/028 on amnesty for crimes committed between 1972 and 1990. It recommended that Benin conduct thorough and impartial investigations into all allegations of torture and ill-treatment, including such acts committed between 1972 and 1990.[52]

3. Fundamental freedoms and the right to participate in public and political life[53]

28. The Human Rights Committee was concerned about restrictions on rallies and demonstrations. It regretted restrictions to freedom of expression, including by the High Authority for Audiovisual Media and Communication. The Committee recommended that Benin facilitate equal access to the public media; revise article 143 of the Constitution, which allowed the Head of State to appoint the High Authority for Audiovisual Media and Communication; and guarantee the independence and impartiality of that institution.[54]

29. While taking note of the adoption of the new Information and Communication Code, the Human Rights Committee was concerned that the statute of limitations for media offences had been extended and that the Code covered offences related to insulting Heads of State and diplomatic officials. The Committee pointed out that the law should not provide for more severe penalties solely on the basis of the identity of the person impugned, and recommended that Benin ensure that the new bill on the conditions governing associations and the Information and Communication Code were in conformity with the International Covenant on Civil and Political Rights.[55]

30. UNESCO recommended decriminalizing defamation and placing it within a civil code that was in accordance with international standards.[56]

31. The Human Rights Committee expressed its concern in respect of the unexplained deaths of a journalist and a student, and the attempted assassination of a human rights defender.[57]

32. The Human Rights Committee was concerned by the low level of representation of women in both public service and the private sector, especially in positions of responsibility and regretted that the act providing for quotas had not been adopted yet. The Human Rights Committee recommended adopting special temporary measures to increase women's participation in all aspects of public and political life.[58] The Committee on the Elimination

of Discrimination against Women called upon Benin to expeditiously adopt the draft law establishing quotas for women in elected positions.[60]

4. Prohibition of all forms of slavery[60]

33. The Special Rapporteur on sale of children was concerned that many children in Benin were victims of sale, trafficking and economic and sexual exploitation, and at the relative social tolerance towards those crimes and the impunity of the perpetrators. She also noted that the laws relating to the protection of children were ineffectively implemented due to difficulties of access for children to recourse mechanisms guaranteeing their protection and safety, as well as corruption and impunity.[61] She recommended adopting a cross-cutting approach centred on children's rights and which aimed to put in place an overarching strategic framework for comprehensive child protection.[62] She recommended strengthening the social responsibility of the private sector by developing public/private partnerships, in particular with the tourism and travel sector, Internet access providers, telecommunications companies, transport sector unions and the media; and encouraging all hotels, tour operators and transporters to sign the Code of Conduct in order to combat child sex tourism.[63]

34. The Committee on the Elimination of Discrimination against Women regretted the absence of a comprehensive strategy addressing prevention, protection, assistance and legal support for victims of trafficking. It recommended providing adequate assistance to victims, including refugee and asylum-seeking women, and to consider the establishment of a national mechanism to coordinate efforts to combat trafficking.[64]

35. The same Committee recommended expediting the adoption of the draft law on trafficking in persons, in line with international law.[65] The Human Rights Committee made similar recommendations.[66]

36. The Committee on the Elimination of Discrimination against Women also recommended providing training to the judiciary, law enforcement officials, the border police and social workers on the existing anti-trafficking provisions regarding children and on how to identify and deal with victims of trafficking.[67]

37. The Committee on the Rights of the Child was concerned about the prevalence of child labour among children under 14 years of age, including the worst forms of child labour.[68] According to a survey, about 34 per cent of children worked in Benin, and in Donga and Collines, 76.1 per cent and 70.2 per cent respectively.[69]

38. The Special Rapporteur on sale of children was concerned at the distortion of the traditional practice of *vidomégon* into forced labour. She had received information according to which 90 per cent of so-called *vidomégon* children* did not go to school. They were employed at markets and in the street trade, in addition to performing unpaid domestic tasks. Young *vidomégon* girls, in addition to being exploited economically, were reportedly often victims of prostitution.[70] The Committee on the Rights of the Child recommended that Benin strengthen community-based mechanisms to prevent and combat economic exploitation of children, and consider raising the minimum age for admission to employment or work to 15 years.[71] The Committee on the Elimination of Discrimination against Women recommended that Benin regulate and monitor the working conditions of girls employed as *vidomégons*, through increased inspections and fines for employers, and that it integrate them into the educational system.[72]

5. Right to privacy and family life

39. The Special Rapporteur on sale of children stressed the importance of establishing an independent oversight mechanism for adoptions, although the Family Code made provision for a strict adoption process.[73]

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* Children in the care of families traditionally responsible for looking after them, particularly in regard to their education.

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

40. The Committee on the Elimination of Discrimination against Women was concerned about the absence of information on progress in the implementation of the National Policy for Employment (2011-2015). It recommended that Benin apply the principle of equal remuneration for work of equal value and the principle of equal opportunities at work, and address the wage gap between women and men.[74]

41. The Committee was concerned about the concentration of women in the informal sector. It recommended that Benin monitor and improve the working conditions of women by removing the obstacles that women faced in entering the labour force, implementing measures to promote reconciliation of family and work responsibilities of women and men and providing a regulatory framework for the informal sector.[75]

42. The Committee also recommended that Benin intensify technical and vocational training for women in traditionally male-dominated fields.[76]

2. Right to social security

43. The Special Rapporteur on sale of children recommended providing social protection and support strategies for families facing hardship, through administrative and legal assistance, support and parental guidance.[77]

3. Right to an adequate standard of living[78]

44. In 2016, the United Nations Development Programme (UNDP) noted that in Benin, 64.2 per cent of the population was multidimensionally poor, while an additional 16.9 per cent was near multidimensional poverty. The breadth of deprivation in Benin was 53.3 per cent. The Special Rapporteur on sale of children noted that 44 per cent of children under 5 years of age lived in the poorest households.[79]

45. According to UNDP, although the Human Development Index value for Benin increased from 0.345 in 1990 to 0.485 in 2015, Benin was in the low human development category, at 167 out of 188 countries and territories.[80]

46. The Special Rapporteur on sale of children recommended adopting integrated local development plans to improve the living conditions and standards of vulnerable populations and provide vulnerable children and families with equitable access to social and protection services.[81]

4. Right to health[82]

47. The Committee on the Rights of the Child was concerned that the infant, neonatal and maternal mortality rates remain very high and that 20 per cent of children under 5 years of age are underweight and 40 per cent suffer from moderate to severe stunting.[83]

48. The Committee on the Elimination of Discrimination against Women was concerned about the prevalence of malaria, and the insufficient number of health-care personnel, in particular midwives in rural areas.[84]

49. The Committee on the Rights of the Child recommended that Benin reduce infant and child mortality, focusing on prevention and treatment, improving nutrition and sanitary conditions, increasing access to drinking water, especially in the rural areas and in schools, and fighting against communicable diseases, malnutrition and malaria. It also recommended that Benin make the universal health insurance scheme operational.[85]

50. The same Committee recommended that Benin adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education was part of the mandatory school curriculum and was targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections.[86]

51. The Committee on the Elimination of Discrimination against Women recommended that Benin adopt the implementing decree of Act No. 2005-31 (2006) on HIV/AIDS, and increase the provision of free antiretroviral treatment to all women and men living with HIV/AIDS.[87]

5. Right to education[88]

52. The Special Rapporteur on sale of children was concerned at the deficient quality of teaching, at the fact that only 30 per cent of children could read and write correctly by the end of primary school and that some children must walk miles to school, and at the considerable disparities between regions.[89]

53. UNESCO noted that, during its second universal periodic review, Benin had been encouraged to guarantee the accessibility and quality of education and to increase school enrolment rates, including through the adoption of education strategies.[90] These recommendations had been implemented in part through the adoption of the third stage of the 10-year plan for the education sector.[91] UNESCO noted that, in March 2016, Benin had received funding from the Global Partnership for Education for the development of an education sector plan for the period 2017-2025. Benin should draw up objectives for improving the quality of education and providing everyone with learning opportunities, without discrimination or exclusion.[92]

54. UNESCO also recalled that, during its second universal periodic review, Benin had accepted a recommendation that it should guarantee the provision of education free of charge. However, school fees had not been abolished completely and therefore constituted an obstacle to education for disadvantaged children. Guaranteeing truly free basic education remained a significant challenge for Benin.[93]

55. UNESCO noted that, according to the available data, the gender equality index for primary education had increased in Benin, rising from 0.53 to 0.85 between 2002 and 2014. However, major progress still needed to be made in order to ensure that the number of girls completing primary education was the same as the number of boys. Furthermore, greater disparities had been observed in secondary education, resulting from the social, economic and health barriers that had a significant impact on girls' ability to stay in school and study.[94]

56. UNESCO welcomed the decision taken by the Government in 2015 to exempt girls from fees for upper secondary education at State schools.[95] The Committee on the Elimination of Discrimination against Women recommended that Benin strengthen literacy programmes for women and girls, especially in rural areas.[96]

57. The Committee on the Rights of the Child recommended that Benin pay special attention to the socioeconomic and regional disparities in access to education, in particular by preventing children from economically disadvantaged households from being excluded, and that it ensure equal opportunities. It also recommended that Benin raise the number of qualified teachers, particularly female teachers.[97] The Committee on the Elimination of Discrimination against Women and the Human Rights Committee made similar recommendations.[98]

58. The Committee on the Elimination of Discrimination against Women recommended that Benin strengthen the educational infrastructure taking into account the gender-specific concerns of women and girls, including the availability of appropriate sanitary facilities.[99]

D. Rights of specific persons or groups

1. Women[100]

59. While welcoming legislative measures taken in 2012, the Committee on the Elimination of Discrimination against Women expressed concern that harmful practices, such as child and forced marriages, polygamy, female genital mutilation, widowhood practices, levirate and sororate, and purification rites for adulterous women, continued to be prevalent and go unpunished.[101]

60. The Committee on the Elimination of Discrimination against Women noted the efforts of Benin to disseminate legislation on the prevention and prohibition of violence against women. However, it was concerned at the alarming rates of both domestic and sexual violence against women, and that the vast majority of such cases remained underreported, owing to cultural taboos and to the reluctance of women, especially disadvantaged groups of women, to report violence.[102] It recommended stepping up efforts to disseminate information on the existence of new legal provisions, and ensuring that women were duly informed about the available legal remedies.[103] The Human Rights Committee recommended improving the services provided by the integrated support centres for victims of gender-based violence, and ensuring that cases of violence against women were investigated, perpetrators were prosecuted and victims were awarded reparation.[104]

61. The Committee on the Elimination of Discrimination against Women was concerned that female genital mutilation was often practised outside the territory of Benin, in neighbouring countries, to avoid prosecution. The Committee urged Benin to systematically train judges and law enforcement officers, establish mechanisms to facilitate victim identification and ensure effective regional and bilateral cooperation with neighbouring countries to ensure the prosecution and punishment of all acts of female genital mutilation.[105] The Committee on the Rights of the Child raised similar recommendations.[106]

62. The Human Rights Committee was concerned that women in Benin, especially in rural areas, continued to suffer discrimination. The Committee recommended ensuring that the legal provisions governing equality between men and women were effectively applied by publicizing the relevant laws among the general public and the judiciary.[107]

63. The Committee on the Elimination of Discrimination against Women remained concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in all spheres of life and the limited efforts to combat discrimination against women. The same Committee recommended conducting awareness-raising efforts targeting the general public and the media, and urgently completing the review of school textbooks.[108]

64. The Committee on the Elimination of Discrimination against Women recommended that Benin strengthen its initiatives aimed at encouraging the sustainable economic empowerment of women, in particular in rural areas, including through training on microenterprise development and management, and that it periodically monitor the impact of those initiatives.[109] The Committee also recommended the use of temporary special measures, in order to ensure that women participated in the decision-making process and management of resources.[110]

65. While welcoming the adoption of Act No. 2007-03 on rural land tenure, which guaranteed to women the right to inherit rural land, the Committee on the Elimination of Discrimination against Women was concerned that the customary practice of excluding women from inheriting agricultural land remained dominant in rural areas and that women continued to face practical difficulties in gaining access to both land and credit. The Committee recommended conducting awareness-raising activities targeting the general public in rural areas, including traditional leaders, to effectively implement the Land Code and to ensure that women had access to land and credit facilities on an equal basis with men.[111]

66. While welcoming the regulatory framework regarding birth registration, the Committee on the Elimination of Discrimination against Women was concerned that practical and bureaucratic obstacles continued to prevent women from registering births and obtaining birth certificates. It recommended facilitating access to birth registration services for all women, especially for poor and rural women, and considering establishing a monitoring mechanism to ensure the enforcement of its regulatory framework.[112] The Human Rights Committee and the Committee on the Rights of the Child made similar recommendations.[113]

2. Children[114]

67. The Special Rapporteur on sale of children expressed concern at rites of initiation, at excision and at the treatment of talibe children.[115] The Committee on the Rights of the Child

was concerned by the absence of prosecutions or convictions of religious leaders and parents who sent children to beg in the streets.[115] The Committee was also concerned at the practice of sequestration of children, especially girls, in voodoo convents, because of family traditions and beliefs. It noted that such children were deprived of education, and were subjected to ill-treatment, including scarification rites and sexual abuse.[115]

68. The Committee on the Rights of the Child recommended that Benin investigate and prosecute persons responsible for harmful practices against children, and urgently remove children from environments where such practices took place.[115]

69. The same Committee recommended that Benin provide children in street situations with the necessary protection and accommodation, adequate health services, education and other social services, according to their needs.[115]

70. The same Committee, while welcoming the interministerial decree on a code of conduct with regard to sexual abuses in schools, was concerned at the gravity and extent of violence and abuse against children, notably within the family.[120] The Special Rapporteur on sale of children noted that more than 89 per cent of children had been victims of one form of violence at school.[121]

71. The Committee on the Rights of the Child recommended that Benin design policies and programmes to address ill-treatment and abuse of children, institute mandatory reporting procedures with regard to child abuse and conduct awareness campaigns in order to change attitudes and practices conducive to violence.[122] The Committee on the Rights of the Child also recommended working closely with traditional leaders and community-based organizations in that regard.[123]

72. The Special Rapporteur on sale of children recommended adopting a genuine comprehensive child protection strategy with local protection mechanisms readily accessible to all children.[124]

73. While noting with satisfaction the Children's Act, and the two pilot child-friendly courts established in the jurisdictions of Abomey-Calavi and Abomey, the Committee on the Rights of the Child was concerned about inhumane and degrading detention conditions for juveniles, especially in the Abomey-Calavi prison, at the insufficient number of juvenile judges and at the lack of alternative measures to deprivation of liberty.[125]

74. OHCHR noted some progress towards adoption of the Children's Code, and some efforts to ensure civil registration of children. It recommended the introduction of a national computerized system for birth registration and greater efforts to raise public awareness of the importance of birth registration and the obtaining of a birth certificate.[126]

3. Persons with disabilities[127]

75. The Committee on the Rights of the Child was concerned about the social exclusion of children with disabilities from many spheres of society. The Committee urged Benin to develop inclusive education, ensure that children with disabilities had access to health care, and combat the stigmatization of and prejudice against children with disabilities.[128]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Benin will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/BJIndex.aspx.

[2] For relevant recommendations, see A/HRC/22/9, paras. 107.1, 108.1-108.2, 108.21-108.28, 108.36 and 109.1-109.4.

[3] See A/HRC/22/9, paras. 107.1 and 108.1.

[4] See OHCHR Regional Office for West Africa submission to the universal periodic review of Benin, para. 10.

[5] Ibid., para. 2.

[6] Ibid., paras. 36-37.

[7] Ibid., para. 5.

[8] For relevant recommendations, A/HRC/22/9, paras. 108.4-108.28 and 109.6-109.8.

[54] See OHCHR Regional Office submission, paras. 13 and 16.
[55] Ibid., para. 16.
[56] See CCPR/C/BEN/CO/2, paras. 8-9.
[57] See OHCHR Regional Office submission, para. 27.
[58] See A/HRC/25/48/Add.3, para. 69.
[59] Ibid., para. 104 (a).
[60] Ibid., para. 107 (b).
[61] For relevant recommendations, see A/HRC/22/9, paras. 110.1-110.5.
[62] See CCPR/C/BEN/CO/2, para. 3 (c).
[63] See CEDAW/C/BEN/CO/4, paras. 38-39.
[64] Ibid., paras. 24-25.
[65] See CRC/C/BEN/CO/3-5, paras. 32-33.
[66] UNHCR, *UNHCR Global Report 2014: Ending Statelessness*, p. 85.
[67] For relevant recommendations, see A/HRC/22/9, paras. 108.32-108.34 and 108.37-108.39.
[68] See CCPR/C/BEN/CO/2, paras. 18-19.
[69] See OHCHR Regional Office submission, para. 14. For the relevant recommendation, see A/HRC/22/9, para. 108.32.
[70] See OHCHR Regional Office submission, para. 14.
[71] Ibid., para. 33.
[72] Ibid., para. 33.
[73] See CCPR/C/BEN/CO/2, paras. 20-21.
[74] See CRC/C/BEN/CO/3-5, paras. 35 and 43.
[75] See OHCHR Regional Office submission, para. 31.
[76] See A/HRC/25/48/Add.3, para. 13.
[77] See CCPR/C/BEN/CO/2, para. 22.
[78] For the relevant recommendation, see A/HRC/22/9, para. 108.10.
[79] See OHCHR Regional Office submission, para. 15. For the relevant recommendations, see A/HRC/22/9, paras. 108.11-108.16.
[80] See CCPR/C/BEN/CO/2, paras. 22-23.
[81] Ibid., para. 27.
[82] See OHCHR Regional Office submission, para. 20.
[83] Ibid., para. 19.
[84] See CCPR/C/BEN/CO/2, para. 27.
[85] Ibid.
[86] See CEDAW/C/BEN/CO/4, para. 37.
[87] For relevant recommendations, see A/HRC/22/9, paras. 108.33, 108.78, 108.80 and 108.78-108.80.
[88] For the relevant recommendations, see A/HRC/22/9, paras. 108.78-108.79.
[89] See OHCHR Regional Office submission, para. 20.
[90] Ibid., para. 23.
[91] See A/HRC/25/48/Add.3, para. 8.
[92] See CCPR/C/BEN/CO/2, paras. 28-29.
[93] Ibid., paras. 30-31.
[94] Ibid., paras. 24-25.
[95] See A/HRC/25/48/Add.3, para. 52.
[96] Ibid., para. 100 (b).
[97] See CCPR/C/BEN/CO/2, paras. 22-23.
[98] For relevant recommendations, see A/HRC/22/9, para. 108.81.
[99] See CCPR/C/BEN/CO/2, paras. 32-33.
[100] Ibid.
[101] See UNESCO submission to the universal periodic review of Benin, para. 20.
[102] See CCPR/C/BEN/CO/2, paras. 18-19.
[103] Ibid., paras. 10-11.
[104] See CEDAW/C/BEN/CO/4, paras. 22-23.
[105] For relevant recommendations, see A/HRC/22/9, paras. 108.69-108.77.
[106] See A/HRC/25/48/Add.3, paras. 93-94.
[107] Ibid., para. 98.
[108] Ibid., para. 106.
[109] See CEDAW/C/BEN/CO/4, paras. 20-21.
[110] Ibid.
[111] See CCPR/C/BEN/CO/2, paras. 14-15.
[112] See CEDAW/C/BEN/CO/4, paras. 20-21.
[113] See CRC/C/BEN/CO/3-5, para. 62.
[114] See A/HRC/25/48/Add.3, para. 34.

[115] Ibid., para. 15.
[116] See CRC/C/BEN/CO/3-5, paras. 62-63.
[117] See CEDAW/C/BEN/CO/4, paras. 28-29.
[118] See A/HRC/25/48/Add.3, para. 10.
[119] See CEDAW/C/BEN/CO/4, paras. 28-29.
[120] Ibid.
[121] Ibid.
[122] See A/HRC/25/48/Add.3, para. 102 (b).
[123] For relevant recommendations, see A/HRC/22/9, paras. 108.93-108.97.
[124] See A/HRC/25/48/Add.3, para. 7.
[125] United Nations Development Programme, *Human Development Report 2016* — Benin.
[126] See A/HRC/25/48/Add.3, para. 102.
[127] For relevant recommendations, see A/HRC/22/9, paras. 108.98-108.101.
[128] See CRC/C/BEN/CO/3-5, paras. 52-53.
[129] See CEDAW/C/BEN/CO/4, para. 32.
[130] See CRC/C/BEN/CO/3-5, paras. 52-53.
[131] Ibid., paras. 56-57.
[132] See CEDAW/C/BEN/CO/4, para. 33 (a).
[133] For relevant recommendations, see A/HRC/22/9, paras. 108.103-108.114.
[134] See A/HRC/25/48/Add.3, para. 33.
[135] For the relevant recommendations, see A/HRC/22/9, paras. 108.103-108.114.
[136] See UNESCO submission, para. 15.
[137] Ibid., para. 16.
[138] Ibid., para. 17.
[139] Ibid., para. 18.
[140] Ibid., para. 19.
[141] See CEDAW/C/BEN/CO/4, paras. 26-27, and CRC/C/BEN/CO/3-5, paras. 60-61.
[142] See CRC/C/BEN/CO/3-5, paras. 60-61.
[143] See CEDAW/C/BEN/CO/4, paras. 26-27, and CCPR/C/BEN/CO/2, paras. 34-35.
[144] See CEDAW/C/BEN/CO/4, paras. 26-27.
[145] For relevant recommendations, see A/HRC/22/9, paras. 108.46-108.54 and 108.86-108.87.
[146] See CEDAW/C/BEN/CO/4, paras. 4 and 16.
[147] Ibid., para. 18.
[148] Ibid., para. 19 (c).
[149] See CCPR/C/BEN/CO/2, paras. 16-17.
[150] See CEDAW/C/BEN/CO/4, paras. 16-17.
[151] See CRC/C/BEN/CO/3-5, paras. 40-41.
[152] See CCPR/C/BEN/CO/2, paras. 10-11.
[153] See CEDAW/C/BEN/CO/4, paras. 16-17.
[154] Ibid., para. 31.
[155] Ibid., paras. 34-35.
[156] Ibid., paras. 34-35.
[157] Ibid., paras. 24-25.
[158] See CCPR/C/BEN/CO/2, paras. 34-35, and CRC/C/BEN/CO/3-5, paras. 30-31.
[159] For relevant recommendations, see A/HRC/22/9, paras. 108.31, 108.49-108.51, 108.55-108.56, 108.70 and 108.76-108.77.
[160] See A/HRC/25/48/Add.3, para. 35.
[161] See CRC/C/BEN/CO/3-5, para. 64.
[162] Ibid., para. 42.
[163] Ibid., paras. 42-43.
[164] Ibid., para. 92.
[165] Ibid., paras. 36-39.
[166] See A/HRC/25/48/Add.3, para. 38.
[167] See CRC/C/BEN/CO/3-5, paras. 36-37.
[168] See CEDAW/C/BEN/CO/4, paras. 16-17.
[169] See A/HRC/25/48/Add.3, para. 96.
[170] See CRC/C/BEN/CO/3-5, para. 68.
[171] See OHCHR Regional Office submission, paras. 29-30.
[172] For relevant recommendations, see A/HRC/22/9, paras. 108.114-108.115.
[173] See CRC/C/BEN/CO/3-5, paras. 50-51.

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Summary of stakeholders' submissions on Benin*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of nine stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. JS5 recommended speeding up the process of ratifying International Convention for the Protection of All Persons from Enforced Disappearance.[4]

3. JS1 and JS3 recommended that Benin submit its initial reports to the Committee on the Rights of Persons with Disabilities and the Committee on the Rights of the Child, respectively.[5]

4. JS6 recommended authorizing the publication of the report of the Subcommittee on Prevention of Torture following its visit to Benin in 2016.[6]

5. JS2 recommended extending a standing invitation to special procedure mandate holders, and prioritizing the visits of the special rapporteurs on freedom of opinion and expression, human rights defenders, and freedom of peaceful assembly and association.[7]

6. JS2 recommended incorporating the outcomes of the UPR into national action plans and presenting a mid-term report on the implementation of the related recommendations.[8]

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15. JS4 pointed out that Benin had accepted several recommendations relating to the ritual killing of so-called child sorcerers. However, the phenomenon persisted in the north of the country, in complete impunity.[30] In that context, JS1 said that, even though the assize courts had tried some cases of infanticide, there was no information on the number of prosecutions and convictions, and the perpetrators stayed hidden and escaped justice. JS1 regretted that the social services were not adequately equipped to better protect potential victims.[31]

16. JS4 and JS5 recommended making sure that the communities concerned and the public at large were aware of the criminal nature of such practices and encouraging them to denounce the perpetrators; adopting the new Criminal Code as soon as possible and stepping up efforts to prosecute and punish the perpetrators; establishing a reliable data-collection mechanism; ensuring that children accused of sorcery received appropriate assistance; and facilitating their reintegration into the family and community.[32]

17. JS1 said that the slow pace of the justice system and public dissatisfaction with the way robberies were dealt with had led to an upsurge in the number of cases of mob justice in 2016. No adequate measures for eliminating this practice had been taken.[33] However, JS5 noted that, following the justice minister's statement condemning mob justice, the phenomenon had subsided somewhat.[34] JS1 recommended running campaigns to raise awareness of the illegal nature of summary mob justice, and of the criminal responsibility of the perpetrators.[35] JS5 recommended ensuring that those responsible for extrajudicial killings were effectively prosecuted and sentenced.[36]

18. JS7 expressed concern that sex workers were often attacked by law enforcement officers, and sometimes sexually assaulted by them or beaten with batons.[37]

19. JS5 said that cases of torture and ill-treatment continued to be reported. JS6 was worried about the torture and abuse of children, who were sometimes kept in isolation and beaten or injured.[38]

20. JS5 recommended making torture a criminal offence, in accordance with the Convention against Torture, conducting prompt and impartial investigations into allegations of torture, and ensuring that anyone committing that crime received a punishment commensurate with the gravity of the act.[39]

21. JS6 recommended adopting and implementing without delay the law establishing a watchdog for the prevention of torture, giving it unrestricted access to all places of detention, and guaranteeing its independence.[40]

22. As for the recommendations accepted during the previous UPR process regarding the improvement of prison conditions, JS1 noted that efforts had been made to build new prisons and pass a law on community service (2016), and that 519 detainees had received a presidential pardon in 2016.[41] JS6, while taking note of such measures as the National Development Policy for the Justice Sector drawn up in 2014,[42] the visits by the competent authorities to detention centres and the training given to judicial police officers,[43] expressed concern that visits by several NGOs had revealed how poor the conditions in prisons were.[44]

23. JS1 said it was regrettable that, according to a 2016 report of the Ministry of Justice, the prison population was constantly on the increase, with an occupancy rate of 170 to 500 per cent, with negative effects on prisoners' living conditions and health. That figure placed Benin second among West African countries for prison overcrowding. It was common to see two or three prisoners piled up per square metre. The situation was made worse by the inaccessibility of toilets at night, which gave rise to infections and deaths by suffocation for lack of ventilation, making living conditions truly deplorable.[45]

24. JS5 and JS6 noted that prisoners were now receiving two meals a day, rather than the one they had received up to 2012. They regretted, however, that the nutritional value of the food was still deplorable.[46]

25. JS6 found it regrettable that nurses did not have the basic medicines they needed to provide rudimentary health care for prisoners, nor the essential basic equipment.[47] JS5 expressed similar concerns.[48]

26. According to JS1,[49] JS5[50] and JS6,[51] female prisoners and children were not yet separated from men in prison; nor were different categories of prisoner kept separate.

27. CLOSE reported that in 2016 an organization had counted 56 children carried by or born to women who were incarcerated. Those children were growing up in deplorable conditions.[52] JS6 made the same remark.[53]

28. According to JS5, unlawful pretrial detention was the main cause of prison overcrowding; administrative delays and misplaced files were other contributing factors.[54] JS5 recommended making liberties and detention judges aware of the need to give preference to placement under judicial supervision rather than to systematically resort to detention.[55]

29. JS5 recommended reducing prison overcrowding by speeding up the construction and refurbishment of prisons; the strict separation of prisoners by age, sex and status; improving detention conditions, particularly in relation to food, health care and hygiene; and expediting the establishment of an independent mechanism for the prevention of torture.[56]

Administration of justice, including impunity and the rule of law[57]

30. JS1 took note of the positive steps taken by Benin to guarantee the right to a fair trial, including the construction of new courts and the current reform of the High Council of the Judiciary.[58] JS5 welcomed the organization of professional examinations for judicial officers in 2016.[59] However, JS1 noted the persistence of challenges such as the lack of infrastructure, the shortage of justice officials, the distance of the courts from populations in difficult-to-reach areas, the slow pace of investigations and the resulting abnormally long periods of detention, and corruption. JS1 was also concerned about the practical obstacles faced by children seeking access to justice.[60]

31. According to JS5, the adoption of the new Code of Criminal Procedure had reinforced the judicial safeguards applicable to police custody,[61] particularly the presumption of innocence, the right to be informed of the charges against you and the right to the assistance of a defence counsel. However, more needed to be done to ensure that these rights were respected in practice. JS5 recommended that steps be taken to ensure the effective implementation of the judicial safeguards listed in the new Code of Criminal Procedure, including by publicizing its new provisions throughout the criminal justice system and guaranteeing in practice access to a lawyer from the onset of police custody.[62]

32. JS1 acknowledged that the adoption of the Children's Code was a major step forward.[63] JS6, however, was concerned that children in conflict with the law were kept in provisional detention for long periods without the assistance of a lawyer, and that the justice system's social services were not operational. Moreover, the number of children in pretrial detention had increased because of delays in hearings before the juvenile assize court and in the enforcement of decisions.[64] JS1 noted that, with the support of the United Nations Children's Fund (UNICEF), the first children's court in Benin had been established in 2015, but it also noted that there was a shortage of children's judges.[65] JS6 recommended making the justice system's social services operational and giving them the resources needed to provide legal assistance to children in conflict with the law; it also recommended setting up a mechanism to collect and process complaints made by detainees. JS5 made similar recommendations.[66] CLOSE recommended drawing up and implementing a coherent policy for the care, rehabilitation and reintegration of children in conflict with the law.[67]

33. JS3 recommended ensuring that the voice of the child is heard and taken into consideration in all legal and social proceedings affecting the child.[68]

Fundamental freedoms and the right to participate in public and political life[69]

34. JS2 indicated that Benin has partially implemented the recommendations received during its second UPR relating to civil society space.[70] While significant strides in the decriminalization of defamation had been made, Benin had failed to address unwarranted restrictions on freedoms of expression and assembly.[71] JS1 expressed similar concerns.[72]

35. JS1 welcomed the adoption of the Information and Communication Code and the law on electronic communication and the postal service. However, it regretted the decision of the High Authority for Audiovisual Media and Communication (HAAC) in 2016 to suspend several radio and television channels.[73]

36. JS2 noted that these restrictions followed criticism of the President of Benin, and on several occasions, HAAC had invoked the principle of "preservation of public order and national security" to silence independent critical reporting by media outlets. Despite the removal or harsh prison sentences for defamation, individuals could still be subjected to excessive fines for insults and contempt under the Information and Communication Code. The Code further punished the re-publishing or repetition of statements that were considered defamatory; defamation of the President was liable to a fine of 1 million CFA francs.[74]

37. JS2 recommended that all media outlets that had been unjustifiably closed be reinstated and that the media regulator HAAC adhere to its role of protector of press freedom, and stop all acts of intimidation and arbitrary suspension of media outlets; and that Benin reform defamation provisions in the 2015 Information and Communication Code in conformity with the ICCPR.[75]

38. JS2 referred to cases of harassment, intimidation and attacks against human rights defenders who had criticized actions taken by the President of Benin. JS2 recommended conducting effective investigations into all cases of attacks and harassment against human rights defenders and bring perpetrators of such offences to justice.[76]

39. JS2 regretted that access to information was not guaranteed in Benin. To this end, a draft law amending the Information and Communication Code was before Parliament.[77]

40. JS2 pointed out that, in 2016, on questionable grounds of preserving public order, the Council of Ministers had issued a decree banning activities of organizations, federations, union and associations of students on public universities for an undetermined period, until a new decree to regulate their activities and its conditions was issued. Although the Constitutional Court had found the decree unconstitutional, the Government had refused to overturn the ban.[78] JS2 recommended annulling the related decree of 5 October 2016 and respecting the freedom of association and assembly of students.[79]

41. JS2 indicated that restrictions on demonstrations in favour of political opponents had also been imposed by the Government on the grounds of preventing "disturbance of the public order".[80] In addition, JS2 was concerned about cases of excessive use of force during demonstrations. It recommended updating existing human rights training for police and security forces including on the UN Basic Principles on the Use of Force and Firearms, and that senior government officials publically condemn the use of excessive and brutal force by security forces in the dispersal of protests, carry out investigations and bring perpetrators to the justice.[81]

42. JS2 recommended accelerating the study of the framework draft law on freedom of association, assembly and expression,[82] and creating and maintaining in law and in practice, an enabling environment for civil society, in accordance with international law.[83]

Prohibition of all forms of slavery[84]

43. JS1 was concerned about the scale of the practice of *vidomegon*, or the placement of children in homes, and about early marriage and child-trafficking.[85]

44. JS3 was concerned that, according to a study undertaken in Djougou and Mallanville, children were sometimes forced into the streets due to poverty. These children were exposed to risks and did not receive education. Trafficking affected children who had never attended schools (70.7 per cent) or who had dropped out of school (29.3 per cent). Many poor children from rural areas were placed with families in the hope that they would receive education or vocational training. However, they were instead employed at markets or used as unpaid helps in the house. They also often fell victim to prostitution.[86]

45. JS3 noted with satisfaction that Benin had a solid legal framework in place to end child sexual exploitation.[87] However, challenges persisted in enforcing the law. Very few

cases had reached the courts, and most actors in the justice chain lacked knowledge of the legal framework.[88]

46. JS3 regretted the lack of reliable data to measure the extent of child sexual exploitation. It recommended collecting disaggregated date on child sexual exploitation.[89] JS3 also recommended enacting legislation to criminalize all forms of trafficking, in line with international law,[90] adopting a national action plan to end child sexual exploitation, including an adequate monitoring and evaluation of the plan, and establishing an inter-agency working group on child sexual exploitation and the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography.[91] JS3 also recommended investing in child-empowering prevention programmes to address the root causes and multiple vulnerabilities that placed children, families and communities at risk.[92] CLOSE recommended taking steps to uncover networks of pimps and to prosecute and punish the ringleaders.[93]

3. Economic, social and cultural rights

Right to an adequate standard of living[94]

47. JS3 was concerned at the number of people living in poverty in Benin, which was ranked 166 out of 188 countries on the Human Development Index scale.[95]

48. JS1 was alarmed at the level of malnutrition, which was one of the main causes of maternal mortality. It was also concerned about the inadequacy of measures to guarantee access to drinking water and about unsatisfactory waste management and the shortage of sanitation facilities. JS1 noted that 70 per cent of the population had no access to drinking water and 34 per cent no access to adequate sanitation.

Right to health[96]

49. JS7 noted that Benin had taken steps to improve universal access to health care and the quality of care, including by making more financial and material resources available in 2015 and by organizing national health surveys.[97]

50. JS1 also noted some progress in implementing the right to health, such as improving coverage of district health facilities, and in reducing the infant mortality rate and the numbers of HIV/AIDS and tuberculosis cases.[98] Reforms had been undertaken to establish several agencies in the health sector. However, infant, neonatal and maternal mortality rates remained very high. For example, in 2014 the infant/child mortality rate was 115.2 per 1,000 live births (2014 MICS Benin); 20 per cent of under-fives were underweight and 40 per cent suffered from stunted growth. JS1 also observed a high incidence of malaria and malnutrition, due to limited access to clean water and a healthy environment, and the fact that the universal health insurance scheme was still not operational.

51. JS1 regretted the weak coverage of medical personnel in 2014 (7.8 qualified health workers per 10,000 inhabitants) and the severe lack of good governance and planning, as well as the sector's poor budget absorption capacity.

52. JS1 pointed out that making caesarean sections and the Universal Health Insurance Scheme (RAMU) no longer free of charge in 2016 had resulted in reduced access to health care for the most disadvantaged groups in society.

53. ADF-International recommended improving health care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health, and paying special attention to improving health-care access for women with poor and/or rural backgrounds.[99]

Right to education[100]

54. JS1 regretted that, despite the efforts made by Benin to provide primary and secondary education to all, there were still children who did not go to school because their parents were poor. The shortage of school infrastructure and teachers also held back enjoyment of this right. The results of national examinations in the academic year 2015/16 had revealed the true level of learners.

55. JS4 was concerned that the education system was discriminatory, as there were disparities between urban and rural areas. Moreover, primary education was not completely free of charge, as parents had to pay some fees. The disparities were blatant in rural areas, where there was a severe shortage of infrastructure and qualified teachers. In addition, the courses taught were generally unsuitable and ineffective.[101] JS4 recommended a push to make primary education free of charge and to create a safe and protective environment for all children, so as to keep them in the education system; to draw up and implement strategies for the inclusion of marginalized groups in the education system; to standardize the school curriculum; and to improve the allocation of financial, human and material resources in general, and in rural and remote areas in particular.[102]

4. Rights of specific persons or groups

Women[103]

56. JS1 noted that, following the recommendations made during the 2012 UPR, Benin had taken a number of steps to improve women's enjoyment of their rights, including the establishment of units offering advice and legal assistance in social support centres and the adoption in 2013 of the Code on Private and State-owned Land in Benin. However, it noted that women still do not fully enjoy their rights.[104]

57. JS7 was concerned that, according to a survey commissioned by the Ministry of the Family in 2010, 70 per cent of women had been the victims of violence at some time during their lives, and that the situation persisted. It took note of the adoption in 2012 of the law on the prevention and punishment of violence against women.

58. JS3 indicated that most of the victims of prostitution were girls who had fled early or forced marriages,[105] which persisted particularly in rural areas of Benin. According to a report by UNICEF, 11 per cent of children were married by the age of 15 and 32 per cent by the age of 18, with girls disproportionately affected.[106]

59. JS1 welcomed the work on the "Zero tolerance for child marriage" campaign, which was due to be launched in 2017.[107]

60. CLOSE recommended raising awareness among parents and religious leaders of the negative consequences of child marriage; informing children about the promotion and protection of their rights; and tackling the root causes of the problem by effectively implementing the action plan and national policy on the advancement of children.[108]

61. As regards women's political participation, JS1 pointed out that only 6 of the 83 deputies in the National Assembly, or 7.23 per cent, were women, and only 3 of the 21 government ministers, or 11 per cent, were women. That was a retrograde step after the progress made in the past. Moreover, Benin still had no law on parity.[109]

62. JS7 pointed out that there was still a problem in getting women's rights instruments widely accepted. For example, very few women had access to land ownership, which left them more dependent on men. Moreover, Benin had still not introduced a national women's rights monitoring mechanism, which explained the lack of statistics. JS7 recommended the establishment of strong institutional mechanisms to monitor and evaluate action in the field and collect data; and the development of a new strategy to promote and protect fundamental women's rights, for example by organizing quarterly consultations with all stakeholders and holding meetings to publicize laws promoting women's rights.[110]

Children[111]

63. JS3 recommended adopting mandatory policies to protect children in public or private tourism developments, including the obligation to conduct human-rights impact assessments, and establish government-regulated child protection standards for the tourism industry.[112]

64. CLOSE made similar recommendations.[113]

65. JS3 also recommended creating incentives for companies to prioritize child protection, with private sector involvement, including in the travel and tourism industry,

and for Internet service-providers to block and report child sexual exploitation content on the Internet.[114]

66. JS1 said that institutions providing assistance for children in difficult situations needed more resources.[115]

67. JS1 said that leisure facilities for children were virtually non-existent.

Persons with disabilities[116]

68. JS1 regretted that, despite the legislative measures taken by Benin, persons with disabilities suffered from discrimination and most of them were forced to beg for a living. A project launched in 2015 had enabled them to vote in the March 2016 presidential election in acceptable conditions. However, it was regrettable that the legal provisions protecting persons with disabilities were scattered throughout other legislation: JS1 recommended the adoption of the law on the rights of persons with disabilities which had been before the National Assembly since 2016.[117]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions

ADF International	Alliance Defending Freedom International (Geneva) Switzerland;
CLOSE	Comité de Liaison des organisations sociales de défense de droits de l'enfant (Cotonou) Benin.

Joint submissions:

JS1	**Joint submission 1 submitted by:** Action des Chrétiens pour l'Abolition de la Torture (ACAT-Bénin); Association des Femmes Avocates (AFA-Bénin); Association de Lutte Contre la torture, l'Ethnocentrisme et le Régionalisme (ALCREER); Amnesty International Bénin; Changement Social Bénin (CSB); Droits de l'Homme Paix et Développement (DHPD-ONG); Fondation Regard d'Amour (FRA); Forum des Organisation de Défense des Droits de l'Enfant au Bénin (FODDEB); Franciscain-Bénin; Groupe d'Actions pour le Progrès et la Paix (GAPP-Bénin); ONG Femme et Vie; ONG Œil d'Aujourd'hui; REDSFECO-Bénin; Réseau des Organisations de Défense des Droits de l'Homme (RODDH-Bénin); Réseau pour l'Intégration des Femmes des ONG et Associations africaines (RIFONGABénin); Secours Populaire Bénin; Women in Law and Developpement in Africa-Benin (WILDAF-Bénin); Droits de l'Homme Paix et Développement;
JS2	**Joint submission 2 submitted by:** CIVICUS: World Alliance for Citizen Participation, and Groupe d'Action pour le Progrès et la Paix;
JS3	**Joint submission 3 submitted by:** Comité de Liaison des Organisations Sociales de la défense des droits de l'Enfant (CLOSE), ECPAT International;
JS4	**Joint submission 4 submitted by:** Franciscans International (FI); Franciscains Bénin (FB); Caritas Bénin; Changement Social Bénin; Enfants Solidaires d'Afrique et du Monde (ESAM); Plan Bénin;
JS5	**Joint submission 5 submitted by:** Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, (FIACAT); Action des Chrétiens pour l'abolition de la torture au Bénin (ACAT-Bénin);
JS6	**Joint submission 6 submitted by:** Bureau international catholique de l'enfance (BICE); Enfants solidaires d'Afrique et du monde (ESAM); Franciscans Bénin;
JS7	**Joint submission 7 submitted by:** Afro-Benin; The sexual rights initiative.

[2] The following abbreviations are used in UPR documents:

ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
CRC	Convention on the Rights of the Child;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;

ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD.

[3] For relevant recommendations see A/HRC/22/9, paras. 107.1, 108.1, 108.2, 108.21-108-28, 108.36, 109.1-109.4.
[4] JS5 para. 42.
[5] JS1 para. 14 and JS3 para. 12.
[6] JS6, para. 24.
[7] JS2, para. 6.6.
[8] JS2 para. 6.6.
[9] For relevant recommendations A/HRC/22/9 paras. 108.4-108.28, 109.6-109.8.
[10] JS3 para. 13.
[11] JS1 page 2.
[12] JS5 para. 5.
[13] JS5 para 44.
[14] JS1 page 1.
[15] JS1 page 3.
[16] JS5 para. 44.
[17] For relevant recommendations see A/HRC/22/9, paras. 110.1-110.5.
[18] JS4 paras. 26 and 27.
[19] JS6 para. 28.
[20] JS4 para. 28.
[21] JS7 para. 14.
[22] JS7, para. 11.
[23] JS7, para. 54.
[24] JS7 para. 35 and 36.
[25] JS7, para. 69.
[26] For relevant recommendations see A/HRC/22/9, paras. 108.32-108.34, 108.37-108.39.
[27] JS5 para. 2.
[28] JS4 para. 3.
[29] JS1 para. 2 and JS6 para. 5.
[30] JS4 para. 11.
[31] JS1 para. 3.
[32] JS4 para. 23.
[33] JS1, para. 4.
[34] JS5 para. 7.
[35] JS1 para. 3.
[36] JS5 para. 7.
[37] JS7 para. 20 and 21.
[38] JS6 para. 17.
[39] JS5, para. 10.
[40] JS6, para. 24.
[41] JS1 para. 15.
[42] JS6 para. 1.
[43] J26 paras. 2-4.
[44] JS6 paras. 2-4.
[45] JS1 para. 15.
[46] JS5 para. 7 and 34.
[47] JS6 para. 8.
[48] JS5 paras. 27-29.
[49] JS1 page 11.
[50] JS5 paras. 30-31.
[51] JS6 paras. 9 and 10.
[52] CLOSE page 7.
[53] JS6 para. 16.
[54] JS5 para. 17-19.
[55] JS5 para. 20.
[56] JS5 para. 41.
[57] For relevant recommendations see A/HRC/22/9, paras. 108.33, 108.78,108.80, 108.78-108.80.
[58] JS1, para. 5.
[59] JS5 para. 46.
[60] JS1 para. 3 (B).

[60] JS5, para. 11
[61] JS5 para. 16
[62] JS1 page 9
[64] JS6 para. 14 and 16
[65] JS1 para. 11
[66] JS5 para. 48
[67] CLOSE page 8
[68] JS3 para. 37
[69] For relevant recommendations see A/HRC/22/9, paras. 108.81
[70] For relevant recommendations see A/HRC/22/9, paras.
[71] JS2 para. 1.4 and 1.5
[72] JS1 para. 4
[73] JS1, para. 4
[74] JS2, 4.3-4.12
[75] JS2 para. 6.3.
[76] JS2, para. 6.2.
[77] JS2, Para. 4.12
[78] JS2, para. 2.4
[79] JS2 para. 6.1.
[80] JS2 paras. 5.3-5.8.
[81] JS2 para. 6.4.
[82] JS2 para. 6.1
[83] JS2 para. 6.
[84] For relevant recommendations see A/HRC/22/9, paras. 108.6) -108.77
[85] JS1 paras. 11 and 12
[86] JS3 para. 4
[87] JS3 para. 27
[88] JS3 para. 27
[89] JS3, para. 11 and 12.
[90] JS3, para. 18.
[91] JS3 para. 23.
[92] JS3, para. 26.
[93] CLOSE page 6.
[94] For relevant recommendations see A/HRC/22/9, paras. 108.E)-108.97.
[97] JS3, para. 3.
[98] For relevant recommendations see A/HRC/22/9, paras.108.9)- 108.101
[97] JS7 paras. 8 and 9
[98] JS1 para. 2
[99] ADF, para. 22 (d) and (e).
[100] For relevant recommendations see A/HRC/22/9, paras. 108.103-108.114
[101] JS4 para. 29-35.
[102] JS4, para. 36.
[103] For relevant recommendations see A/HRC/22/9, paras.108.40-108.54, 108.86, 108.87.
[104] JS1 page 4 and 9
[105] JS3 para. 6.
[106] JS3 para. 10.
[107] JS1 para. 10.
[108] JS7 page 10.
[109] JS1 pages 4 and 9.
[110] JS7 para. 71 and 73.
[111] For relevant recommendations see A/HRC/22/9, paras. 108.31, 108.49-108.51, 108.55-108.56, 108.70, 108.76-108.77.
[112] JS3, para. 26.
[113] CLOSE. page 6.
[114] JS3, para. 31.
[115] JS1 para. 12.
[116] For relevant recommendations see A/HRC/22/9, paras.108.113, 108.115.
[117] JS1 page 10.